

1887-020 Chancery Causes: John B. Owens for &c vs. William Daugherty &c  
Lee Co.

Flanary, Pennington, Phillips, Warren, Ferguson, Burchett,  
Keller, Fletcher, Pridemore

1 Plat

CA-Contract Dispute  
T-Property



To The Honorable John A. Keely  
Judge of the Circuit Court of  
Lee County Virginia:

Your orator John B. Owens  
who sues for the benefit of H.  
A. Owens, humbly complaining  
would respectfully represent that  
heretofore, on the 22<sup>d</sup> day of May  
1874, your orator purchased from  
one Henry Daugherty a certain  
tract or parcel of land, situated on  
the south side of Newmans Ridge in  
said County, properly described in  
the said Daugherty bond of that  
date, and which said land is prop-  
erly described in said bond, a copy  
of which is herewith filed marked  
"A." and is prayed to be considered  
as part hereof. By an inspection  
of which it will be seen that the  
price agreed to be paid was the  
sum of \$110. and bore interest some  
time after the date of said bond.

For the deferred payment, a note  
was at the time executed and delivered  
to the said Daugherty, and the same  
has been paid except about the sum  
of \$45. or \$50.00 which last named  
sum your orator stands ready and



To pay - Some time after the execution of said bond and the payment of said money, the said Henry Daugherty departed this life intestate, and one Irish Daugherty qualified as his administrator has since died, and the estate of the said Henry has been committed to Reese D. Glaney Sheriff of said County, none which admits has ever or so far as your orator can learn been able to produce said note and it is probable the same is lost or misplaced. At the time of said Henry's death he left several heirs at law, which after various changes by marriage and death are now the following persons.

James<sup>(1)</sup> Daugherty, Nathaniel<sup>(2)</sup> Daugherty  
William<sup>(3)</sup> Daugherty, Barbara<sup>(4)</sup> Permington  
wife of William Permington, Rhoda<sup>(5)</sup>  
Phillips wife of Francis M. Phillips  
Susan<sup>(6)</sup> ~~Warren~~ <sup>the wife</sup> wife of Jerome Weaver,  
~~Emmet Daugherty~~ ~~and~~ ~~Jasper~~ Lucy Ferguson  
wife of George W. M. Ferguson ~~Emmet Daugherty~~  
Children and heirs at law of a deceased  
son Wheeler Daugherty deceased  
And



Jasper Burchett Abigail Burchett, Mary  
Burchett, James Burchett, George Burchett, Nathaniel  
Burchett Lucy Keller wife of Keller

Children of a deceased daughter Mariah  
Burchett, deceased. To these persons as  
said heirs at law the legal title to  
said lands has descended, and now  
rests - The object of this bill is to  
have specifically performed said agree-  
ment, and said land conveyed in  
accordance with said bond.

Your orator would further represent  
that since the date of said bond he  
has sold a part of said lands to  
William Green, the quantity whereof  
is specifically shown by a survey  
and plat thereof herewith filed  
marked "B" and is prayed to be con-  
sidered herewith as part hereof.

This portion of said land your ora-  
tor desires conveyed to said Green and  
the residue to the beneficiary herein.

The following persons are infants  
being a part of said heirs viz:  
Emmett Daugherty -



The object of this bill therefore is to have a conveyance made to your orator of said lands and your orator stands ready to pay the residue of said purchase money to said Treasury or whomsoever this Court may direct

The premises considered your orator ~~Reese D. Hargney Sheriff and of Agony Daugherty~~ <sup>may</sup> that James Daugherty, Nathaniel Daugherty, William Daugherty William Pennington and Barbary Pennington his wife, Francis M. Phillips and Rhoda Phillips his wife, ~~Gerome Harner~~ and Susan Harner, Lucy Ferguson wife of George W. Ferguson Emmett Daugherty, Jasper Burckett, Abigail Burckett Mary Burckett, James Burckett, George Burckett Nathaniel Burckett, Lucy Keller wife of Keller Be made parties defendants to this bill and answer its allegations upon oath and upon a hearing a decree be rendered directing a conveyance upon its part of said heirs to your orator upon his payment of its balance of purchase money due from him - And for all other furthest & general relief may *supra* issue &c.

A. L. Bridgmore  
P. 2.



19  
John B. Owens

6 7.09  
A 15.00  
G. A. L. 5.00  
D. 8.00  
N. 3.00  
3 2.50

\$39.59

v } Bill Chg

William Daugherty

Exhibits A. & B. filed

1886 Feby, Bill filed 3p a

Ed & Thomas Defts + O. Wise  
Order pub as non residents

" March D. Ct. Conf Order  
Pub. Completed & Cause  
set for hearing.

" Aug Decree & cond.

" Nov Decree

1887 March Decree

Final



To the Hon. John A. Kelly Judge of the Circuit Court of  
Lee County Virginia:

The joint and separate answer of William  
Pennington and Barclay J. Pennington his wife, and Francis  
M. Phillips and Rhoda Phillips his wife two of the heirs  
at law of Henry Daugherty decd. to a bill filed in this  
honorable court against them and others, by John B. Owens  
who sues for the benefit of H. A. Owens

Respondents reserve to themselves the benefit of all  
just and legal exceptions to said bill, but for answer thereto  
or to so much thereof as they are advised it is material  
for them to answer. Answering say, that of their own  
knowledge they know nothing of the bargain and sale  
of the tract of land said to have been made by Henry  
Daugherty in his lifetime to the plaintiff John B. Owens  
but at the same time they have all along been informed  
that said Daugherty did sell to a man by the name of  
Owens a tract of land in the Blackwater country and  
perhaps situated on Newmans Ridge

Respondents cannot say whether the paper filed as  
exhibit (A) with the plaintiffs bill, is the deed of said Daugherty  
or not, or whether it is a copy thereof, the truth is they  
know nothing about it and hence they can neither  
admit or deny its execution

Respondents say the plaintiff is mistaken, when he  
says the purchase money for said land has been all paid  
except some \$45.00 or \$50.00 for they have recently found among  
the papers of Isaac Daugherty now dead who was admr. of  
said Henry Daugherty, a note or bond executed to him by



John B. Owens on the 22 day of May 1874 (the date of said  
superior title bond) for the sum of \$75.00 And this sum  
with the accruing interest thereon from the day of its  
execution until paid Respondents allege is the balance  
of the purchase money due on said land, and unless  
the same shall be paid by the plaintiff or H. A. Owens the  
beneficiary, Respondents pray that said land be sold to  
pay the same ~~and respondents~~

Respondents say they have at all times been ready &  
willing to convey such title as is in them to said land  
when the purchase money due thereon should be paid  
and should be informed to whom to make such conveyance  
and to show their willingness so to do they have even  
made executed and acknowledged for record two deeds  
of conveyance for said land and hereunto file the same  
marked (A3) and (A6) by the first of which they convey  
to Wm. Green about 123 acres of said land at the request of  
H. A. Owens, and to said Owens the residue of the lands  
mentioned in said title bond, But these deeds are not  
to be delivered until said purchase money is fully paid

Respondents say the paper sued on as exhibit (A) is not  
their bond, and if the bond of any one, it is that of said Henry  
Dougherty dead. And hence they say they are in no default  
and moreover, they say no demand has been made upon  
them for such title as was in them, but even if such  
demand had in fact been made, the plaintiff was  
not in such a condition as to have made his demand  
available, for by his own admission he yet owes \$45.00



or \$50 - of the purchase money for the land to which a title is sought in this suit:

Respondents are advised that under the facts in the case a Court of equity will not decree costs against them since in no default and the plaintiff set in a condition to demand title.

Respondents having now answered as fully as advised. Material they deny each and every allegation affecting their interests not before confessed and avoided or denied and now pray that judge's bill be dismissed and respondents decreed their costs.

H. J. Morgan for Respondents

I do swear that the statements in the foregoing answer are true as I truly believe so help me God.

F. M. <sup>his</sup> Phillips  
Mark

Subscribed to before me on the 11 day of Augt 1886.

Henry J. Morgan Court.



William Pennington vs

Ads. } Joint Answer

John B. Owens for

Filed at Nov. Term  
1886, in open court  
by leave thereof, and  
Replication thereto.

J. A. Hyatt cc



To the Hon. John A. Kelly Judge of the Circuit  
Court of Lee County Virginia:

The Answer of Henry J. Morgan guardian ad litem  
for Ermit Daugherty and the unknown infants of Mariel  
Bruchett died to a bill in chancery exhibited in this  
Honorable Court against them & others by John B. Owens  
who sues for the benefit of W. A. Owens;

Respondent knows nothing personally of the sale  
of the land in the bill mentioned by Henry Daugherty to  
John B. Owens nor has his said wards given him any  
information in relation thereto

If the purchase money for said land has been paid  
or when paid if not already so paid, Respondent knows  
of no fact or circumstance which he could or ought to  
alleg in delay of the plaintiffs right to have the said  
supposed contract specifically executed as prayed for by Bill

Respondent says his said wards are young and of  
tender years, and as such are the special wards of  
Courts of equity and their rights and interest in this  
cause are committed to your Honor's keeping

Respondent having now answered as fully as deemed  
material praying that his wards be hence dismissed  
with their costs

Henry J. Morgan Guard  
Ad litem for said infants.



H. J. Morgan Esq. & Co.

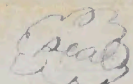
ad { Answer

John B. Owens for

Fee \$5.00



One day after date I bind my self to pay  
Henry Langherly \$70 dollars for value Received  
of him I witness my hand and seal  
this the 22 day of May 1874

John B. Owens 

Attest Susanah Warren



(AD)

~~(C)~~

John B.  
Owens

To { Note

Due 23<sup>rd</sup> May  
1874.

\$70.<sup>00</sup>



To the Hon. John A. Kelly Judge of the Circuit Court  
of Lee County Virginia:

The Separate Answer of R. D. Manning Sheriff  
of said County and as such, admt. de l'mission of Henry  
Daugherty dead to a bill filed against him & others in  
this honorable Court, by John B. Owens who sues for the benefit  
of W. A. Owens

Respondent says he knows nothing in relation to  
the sale of the tract of land in the bill mentioned by Henry  
Daugherty in his lifetime to the plaintiff John B. Owens  
nor does he know whether said Daugherty executed to  
said Owens a title bond or note, and if in fact he did  
so, whether the paper sued on as exhibit (A) with the <sup>bill</sup> ~~pleffs~~,  
be in truth and in fact such bond or note.

Respondent has been informed that his intestate in his  
lifetime did sell to a man by the name of Owens a tract  
of land lying in the Black Water Country and perhaps  
on Newmans ridge (the quantity and boundaries of which  
he knows nothing about) for the price of \$110.00 of which  
there was forty dollars paid down at the time, and  
for the residue a note or bond was executed by said Owens  
to said Daugherty for the same; And Respondent is  
led to believe that what he has heard with reference to  
said sale is correct. Because he says that recently there  
has come into his hands as such admt. a note or bond  
dated May 22 1874 & due at one day executed by John B. Ow-  
ens to said Henry Daugherty for the sum of \$70.00 and  
the same is <sup>filed</sup> ~~inserted~~ as part of this Answer marked (A.D)

Respondent now says that said sum of \$70.00 with the



accruing interest thereon is now due and owing to him as such adm<sup>r</sup>. from said John B Owen toward the purchase price of the tract of land in the plaintiffs bill mentioned and that the same constitutes a valid and binding lien thereon, and unless the plaintiff shall pay the same as he proposes to do in his said, Your respondent is advised that a court of equity will decree said land to be sold to pay the same and to obtain that relief your respondent prays that this his answer be treated as a cross bill to attain that end.

Respondent says that when said purchase money shall have been fully paid, he knows of no reason why the plaintiff should not have a conveyance of said land but that until said money is paid he is not in a condition to demand specific performance.

Respondent having now answered as fully as deemed material he prays that his said purchase money lien be enforced, the plffs bill dismissed & respondent decreed his costs.

Henry J Morgan for Resp<sup>t</sup>

I do swear that the statements made in the above answer so far as made on my own knowledge are true & so far as made on information derived from others I believe them true & help me god.

Sworn to before me the day of 1886

Com<sup>r</sup>.



R. D. Flaming adm. r.

ads. } Answer

John B. Owens for

Filed in open court  
Nov. Term 1886, by  
leave thereof and  
replication thereto,  
J. C. Hyatt & Co.



John B Owens for v.

Plff

} In Chy

vs.  
Wm Daugherty & al

Defts

This cause came on again to be finally heard on the papers  
heretofore read therein, and the report of Court H. J. Morgan, <sup>filed in the cause Jan'y 3<sup>d</sup> 1887</sup> concerning  
the execution of the two deeds as required by the decree in the case  
of Nov 26 1886, and was argued by counsel, and said report  
and deeds being unaccepted to. On consideration of all which  
it is adjudged ordered and decreed that said report and  
the deeds therewith be and the same are hereby confirmed, and  
the clerk of this will deliver to the clerk of the county court  
said two deeds for recordation and no further action being  
necessary in the case the parties are hence dismissed &  
the cause is stricken from the docket.



John B Owens for the

as { Decm No 2 final

Wm. Daugherty & Co

entered on page 2.

Entered this  
29 March 1857  
J. A. K. M.



John B. Owens for &c. ... Plff.

Against

} In Chy.

Reese D. Flanery adm &c, def.

This cause came on, this day to be heard upon the bill of the plff and exhibits filed, the answer of Reese D. Flanery adm of Henry Dougherty deceased, and exhibit therewith filed the joint <sup>answer</sup> of Wm Pennington and Barbara L Pennington his wife, Francis Phillips and Rhoda Phillips his wife, and the answer of H. J. Morgan guardian ad litem for the infant defendant Emmet Dougherty, and replication to all said answers, and process by publication having been made against the non-resident defendants the time required by law the bill is set for hearing as to them ~~the deposition of witnesses as filed~~ <sup>and</sup> the cause being argued by counsel. It is adjudged ordered and decreed that the plff be allowed a credit of \$40 paid on the note filed with defendant Flanery answer as of March 3<sup>rd</sup> 1897. And that said Flanery, <sup>adm</sup> recover from the beneficial plff the residue of said



bond to wit the sum of \$70, and  
interest thereon from the 22<sup>nd</sup> day of  
May 1874 subject to the aforesaid  
Credit of \$40. paid March 3 1877  
And Henry J. Morgan who is  
hereby appointed a special Com-  
missioner for the purpose will  
make & execute a deed upon the  
part of all the defendant ex-  
cept Pennington & wife & Phillips &  
wife and R. D. Flanary, conveying to  
the said beneficial plff said land  
or as he may direct to Ann Green  
the portion so sold by the plff to  
him. Said deed will be de-  
clined to said plff or his vendor  
upon the payment by them each  
to said Comr a fee of \$2.50

The Conveyance will be of the entire  
interest of said defendants in  
the land in the title bond mentioned  
and with Covenants of Special  
Warranty upon the part of said  
Comr. - But before the beneficial  
plff shall be required to pay  
the residue herein decreed against  
him he shall be allowed to re-  
tain out of the residue of said  
and the parties are each, ordered to  
their own costs.



~~Purchase money the cost of this~~  
~~suit to be taxed by the Clerk~~  
And no further action being  
necessary the Cause is stricken  
from the docket, with leave  
to either party to re-estate the  
Cause for the purposes of en-  
forcing this decree.



John B. Owenston

v3 Decue  
Final

Wm Daugherty et al

Nov 7. 1886

Entered Page 5-66.

J. A. H. Galt et al

Enter this  
Nov 20 '86  
J. A. H.



The depositions of John B. Owens  
 taken before John  
 B. West, a Notary Public for Lee Co, Virginia  
 and which are intended to be read  
 as evidence in a suit in Chancery  
 now pending in the Circuit Court of  
 Lee County, wherein said  
 John B. Owens, for &c. is Complt.

vs.

Reese D. Flanery, Admr. de.  
 bonis non of the estate of Henry Daugherty  
 dec'd et als. are Defts.

In  
 Chancery

The said John B. Owens, a witness  
 of lawful age, being duly sworn deposes  
 and says; in the Bond (filed in this cause)  
 from Henry Daugherty aforesaid to the  
 witness (John B. Owens) there <sup>was</sup> a blank  
 place at the beginning of it wherein my  
 name was written; and the places the name  
 of Williams is written, was written by the  
 said Henry Daugherty (in two places) and  
 when I went for the bond, I <sup>had</sup> this error  
 corrected by causing my name to be writ-  
 ten in the two places wherein Williams is  
 erased.

The said witness further deposes and  
 says, that said Henry Daugherty a-  
 greed to credit the note held against  
 said land and in the name of John



(2)

B. Owens, witness, and in favor John F. Fletcher, with the sum of forty dollars, the same being to get the possession of a bond held by said Fletcher, from Ruthy Belcher to said Fletcher; said credit was made on the 3rd day of March 1877, the day of release of said bond by Fletcher.

And further deponent saith not.

John B. Owens

The further taking of the foregoing depositions is adjourned over till tomorrow, the 25th day of August 1886, at 10 O'clock A.M.

John G. West, St. P.

The foregoing deposition is accepted to because the same was taken without notice to any one, and because the witness John B. Owens is one of the parties to the contract sought to be enforced and the other party to wit Henry Daugherty was at the time dead

Nov 24 1886

H. J. Morgan for Defts.



John B. Owens

no 3 Klepo

William Daugherty

Recd from N P before  
whom taken &  
filed Aug. 24 1884

J. A. Hyatt

N P fee 75<sup>¢</sup>



The depositions of John J. Fletcher, J. S. Owens, Samuel N. Owens, and W. A. Owens, taken before John B. West, a Notary Public for Lee County, State of Virginia, and which are intended to be read as evidence in behalf of the Plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County, State aforesaid, where in said John B. Owens, for &c is Plaintiff and Reese D. Flanery, Admr &c and others are Defendants.

The said John J. Fletcher a witness of lawful age, being duly sworn, deposes & says: Solomon Owens, father of John B. Owens, aforesaid, paid to me the sum of forty dollars at the store-house of Aaron R. Anderson in said county; which forty dollars, it was the understanding by me, <sup>Henry</sup> Daugherty being present, was to be credited on the purchase note for the land in the Bill mentioned; that the bond filed in this cause from Henry Daugherty to said John B. Owens & was of an <sup>later</sup> ~~earlier~~ date than the bond aforesaid from <sup>Rutha Fletcher</sup> Henry Daugherty to John B. Owens ~~for~~ as witness; said forty dollars being paid to me in order to ob-



(2)  
tain said bond of earlier date and by  
way of compromise; and further depo-  
nent saith not.

John J. <sup>his</sup> Fletcher.  
mark

J. S. Owens, another witness of lawful age  
being duly sworn, deposes & says:-

That Isaiah Daugherty, Decd, then  
Admr of Henry Daugherty aforesaid, told  
witness and Samuel N. Owens that forty  
dollars which was paid by John J. Fletcher  
a witness in this cause was to go as a  
credit on the purchase note in this  
cause referred to, and that he would enter  
same on the note; witness also asked  
said Admr if a right to the land mention-  
ed in the Bill filed in this cause could  
be made & Admr aforesaid replied  
that the persons interested as heirs  
were scattered so, he didn't know how  
a right could be made "handy", that  
the best way to get a right would be to  
sue them; witness further states, that  
he was present when the bond was exe-  
cuted from Henry Daugherty to John B.  
Owens, but ~~Isaiah Daugherty~~, Admr  
aforesaid ~~was not present~~, said Henry  
Daugherty had the said bond written and



the name of Williams where it was intended the name of John B. Owens to be written, Williams name was erased and John B. Owens inserted.

On Cross-examination witness states at the time I witnessed execution of said bond, Isaac Daugherty, Henry Daugherty's Adm'r was not present & if he knew anything of <sup>or</sup> about this transaction except what my brother & I told him, he must have obtained the information from others and further this deponent saith not.

J. S. Owens

Samuel A. Owens, another witness of lawful age, being duly sworn, deposes & says: - After witness and Joseph Owens went to house of Isaac Daugherty Adm'r aforesaid, I saw him at Jonesville & I told him I would like him to make the rights to those entitled in estate of said Henry Daugherty & asked him if had put credit on note referred to in this cause & he replied, he took note home but had neglected to put said credit on the said note, but would do so, witness told him, he was ready to pay balance due on said note, and asked said Adm'r if he would write to the parties interested



and make the rights <sup>(14)</sup> to which they were  
entitled & Admr aforesaid replied:  
the heirs are scattered & he didn't know  
what to say to me, to go to Mr Miller  
& he would tell me what to do; I went  
to Mr Miller & asked <sup>him</sup> me what to do  
& he told me, all I could do, would  
be to bring to suit vs. the others and deposit  
the money in the Clerk's Office.  
And further this witness saith not.

Samuel H Owens

William A. Owens, another witness of  
lawful age, being duly sworn, deposes  
& says: — I stated to Francis <sup>H.</sup> Phillips  
one of the heirs in said estate, that the  
money was ready in my part & I  
would like rights to be made to all en-  
titled & he replied: heirs were so scatter-  
ed, that he couldn't do it then, but  
would try to make the rights as soon  
he could find out where the heirs were;  
~~witness further states, that he was ready~~  
to go and also said he was ready to  
make his right at any time.

And further deponent saith not.

W. A. Owens

The depts object to the reading of the depositions  
of J. S. Owens and Samuel H Owens because they



detail conversations and statements made by Henry  
 Daugherty & Isaac Daugherty, both of whom are  
 dead.

H. J. Morgan

Virginia, Lee County, to-wit: I, John  
 B. West, a Notary Public for said  
 county, in the state aforesaid, do cer-  
 tify that the foregoing depositions  
 were taken before me, at my house  
 in Jonesville Lee Co. Va. on the 20th  
 day of November 1886 and for the  
 purpose mentioned in the caption.  
 Given under my hand this 20th day  
 of November 1886.

John B. West, N.P.



John B. Owens  
vs. Depo. for ten

Rece. D. Flanagan, Adm.  
r.

Recd from Notary  
before whom taken  
and filed Nov. 20<sup>th</sup> 1886.  
J. A. Hyatt & Co.

St. P.'s fee, 3 hours  
service @ 75 cts = \$2.25  
charged to Pff  
witnesses - - - \$2.80



Virginia

This day A. L. Pridemore personally  
appeared before me, and made oath  
in due form that all the defendants  
in the Chancery cause of John B. Owens  
forte vs Reese D. Flanary Sheriff  
Admors are now residents, to  
wit, James Daugherty, Nathaniel  
Daugherty, William Daugherty Susan  
Warren, George W. M. Ferguson and  
Lucy Ferguson his wife, Emmett  
Daugherty, Jasper Burchett, Abigail  
Burchett, Mary Burchett, James  
Burchett, George Burchett Nathaniel  
Burchett — Keller and Lucy  
Keller his wife. January 28 1886.

J. A. Hyatt Clerk



John B. Owensford  
vs  
Affidavit  
Reese D. Flanagan & wife



John B. Owens for &c. Paff }  
vs. } Enchy  
Wm. Daugherty &c. Defts. }

To The Hon. H. S. R. Merison Judge of the Circuit Court  
of Lee County Virginia

Pursuant to a decree of this Court entered in this  
cause on the 26<sup>th</sup> day of Nov. 1886, I have as a court clerk  
appointed such deeds executed and acknowledged for  
record two deeds of conveyance herewith filed marked A & B. by  
the first of which I as such Court Clerk convey to Wm. Gann 128 acres  
of the tract of land in the bill mentioned with covenants of  
Special warranty. and by the second. I convey to H. A. Owens the  
residue of said tract with similar warranty containing 52  
acres more or less, reserving 25 acres thereof.

All which is respectfully submitted

Henry J. Morgan Clerk Court  
January 2 1887



John B Owens pro.

as } Cont. Report of auds.

Wm Daugherty sul

---

Filed June 30 1887

J. A. Boyatt c.c.



# The Scott Banner.

Published every Wednesday, at \$1.25 per Annum; If Paid in Advance, \$1.00.

ADVERTISING AND JOB WORK DONE AT BOTTOM PRICES.

*Mr. John B. Crooms for & C.*

TO THE BANNER COMPANY, Dr.

1886

July

10

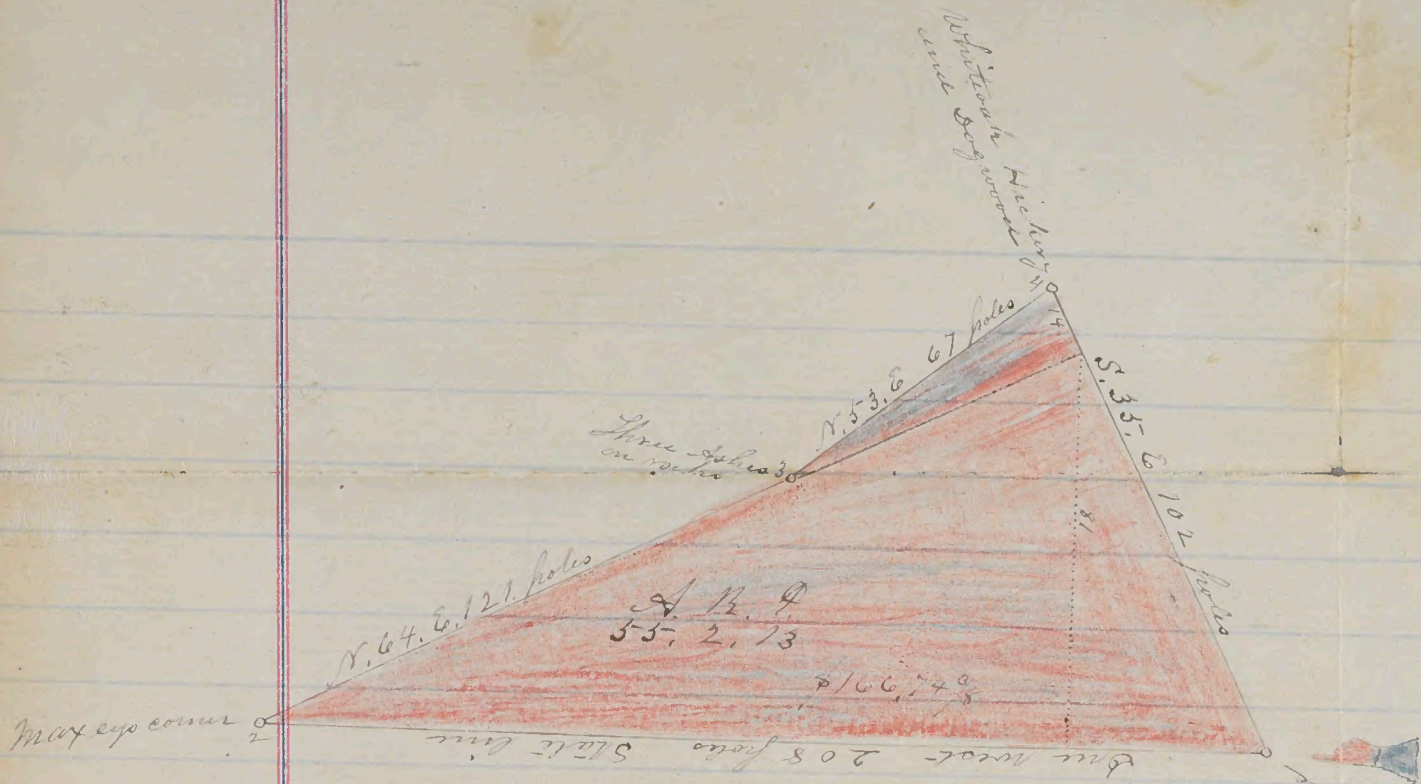
To publishing non-resident  
notice vs. Reese W. Flannery & al. \$5.00



Received of Genl A. L. Pinder  
more full payment of  
the within, July 17, 1886

Banner Co  
vs } Acct  
J B Burns  
—





You will observe in the above plat That there is only two angles, one of which its base is 67 poles its perpendicular 14 poles. 67 poles multiplied by one half its perpendicular equals 469 poles of land. The other angle, its base is 208 poles multiplied by one half its perpendicular (81) equals 8424 poles. Thus  $67 \times 7 = 469$  poles  $208 \times 40\frac{1}{2} = 8424 + 469 = 8893 \div 160 = 55. 2. 13$  which amounts to \$166.74  $\frac{3}{8}$  at Three dollars per Acre. You must have given me out some wrong figure The morning I first calculated as you had The bearings mixed. The above plat and calculation is right. Col. Green will see at once. I make The Beginning at The maple Thence S. by west 208 P. to 2. Thence 121. pole to 3. Thence 67 poles to 4 and Thence to The Beg.

Respectfully,

Jno. M. Tate



Asbury Owens  
Flat and Calculations

Surveyed J.V. 8 March 80

"B"

8  
17  
—  
28  
40  
34  
20  
98-



this indenture made and entered  
by and between, Ruthy Belcher of  
the state of virginia her county  
And John J. Fletcher of the state of  
Tennessee Hancock county that for  
and in consideration of the sum of  
the sum of five dollars in hand paid  
the receipt where of is her by de-  
livered; the said Ruthy Belcher have  
this day bargained and sold and conveyed  
unto John J. Fletcher and his heirs for  
ever To a certain track or Bound-  
ary of land lay in the state of virginia  
her county lying on the side of new  
ridge on a Philip Bales spruce Branch  
joining the lands of Daniel Roberts near  
the foot of the ridge on a Branch

Below said Philip Bales to wit Beginning  
on a back ground on the east side  
of the Branch there running northerly  
a straight line to a red lead marked  
corner thence running westerly & cross-  
ing crossing a branch to a cypress tree  
marked near a clift of rocks on the  
west side of said branch thence  
southerly along the side where  
a marked white oak corner mark  
on a pine then a straight line  
crossing said branch to the Beginning  
a cross to us to include a cab house  
on said branch containing more by said  
Fletcher and said Belcher and marked  
by said party in the presence of  
witnesses



give a cess Be the same more  
or less to have and to have the track of  
land with all and singular hereditaments  
And appurtenances belonging or in  
any wise appurtenant unto the said  
John of Giltshire on assizes his heirs that I will  
warrant and for ever defende the title  
against the claim of all and every person  
either there by or under me the power  
said un to the power said John of Giltshire  
his heirs for ever defende <sup>from</sup> her self and her  
Heirs un to the said John of Giltshire his heirs  
in Testimony where of I have here  
unto set my hand and affixed my seal this  
Charred Seal in the presence of us  
and Deemans

Teste this 1<sup>st</sup> of 1877

Charles M. Hall

Henry Giltshire

Brothy x Belcher  
mark

March 5<sup>th</sup> 1877

For value received  
due to Solomon

I assign the within  
Owens

John J. Fletcher  
mark

Test

A. R. Anderson

Patrick Riley



December the 1st 1888

I assign the within Bond to W. A.  
Crown

~~This instrument will null and void  
in to this governing body in the  
future of least John J. O'Connell~~



01 3 8  
 5 5  
 01 8  
 31  
 01 8  
 8  
 2.8

Rutha Belcher &  
 John F. Belcher  
 Bond

Given under my hand and seal  
 this 1st day of May 1823



March 2 - 1877

Henry Holdaway

Dear sir please deliver  
unto Solomon Owens the Title Bond  
that I hold against Ruthat Belcher which is  
in your hands

John Belcher  
mark

Attest

A. R. Anderson

Andrew Shum



order To

Holaway

22



March 23rd 1877.

This is to certify that I, John F. Fletcher  
do hereby relinquish <sup>unto Solomon Owens</sup> all the claim interest  
write & title that I have in a certain piece  
or parcel of land once owned by Rutha  
Belcher but since sold by her to Henry  
Daugherty lying in the County of Lee & State of  
Va I also bind myself to pay the sum of  
Forty Dollars to procure & deliver the title  
Bond that I hold on Rutha Belcher to  
Solomon Owens. sd Bond is in the hands  
Mag. Holdaway - the land mentioned is  
bounded by the Mc. Livesay land & others

Test

A. R. Anderson

Andrew O. Larn

John F. Fletcher  
mark



J. J. Fletcher

Agreement

$$\begin{array}{r} 45 \\ 6 \end{array}$$

12 Ch

$$\begin{array}{r} 3 \\ 9 \\ 8 \end{array}$$



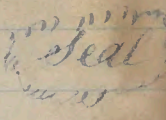
I know all men by these presents that I  
Henry Daugherty of the county Lee and state of  
Virginia am held and firmly Bound to the  
John B Owens County and state afore said  
In the sum of two hundred and twenty dollars  
Lawful Money of the united states to be paid  
to the said Henry Daugherty or his heirs &c for  
which to be well and truly made I bind my  
self my heirs &c firmly by these presents sealed  
with my seel dated this the 22 day of May  
In the <sup>year</sup> of our lord one thousand eight hundred  
and seventy four

This heirs and &c I do in fee simple to ascertain  
Tract or parcel of land lying and Being in the  
county and state afore said now the possession  
of the said <sup>Bound</sup> as follows  
to wit Beginning on a poplar and two hickories  
the corner of William M Tervey corner of  
his land on the North side of Indian Ridge  
thence Running North West across crossing the  
Wagon Road at Mouth of the Branch  
thence Running with the Branch to further  
Belshers Boundary of land thence with her  
Running west course to her corner to a stake  
on Phillips Babs line Near the top of Newmans  
Ridge thence Running south West with Babs  
line made by Jamel Roberts to a white oak  
and ash hickory and chestnut oak on  
Richards Mavers line thence south with  
said line to the state line of Tennessee  
thence East with the said line to the Beginning  
Being the same ~~same~~ land conveyed to the  
said



"B"  
"

Rutha Belcher that was conveyed by  
her Father Jesse Robards to her Doth  
sell this Boundry of land to said William<sup>John T. Owens</sup>  
with all hite appertinances to have and to  
for ever the said Henry Langherly Doth  
bind his self to convey a Right By Deed to  
said ~~William~~<sup>John T. Owens</sup> to have and to hold for ever

Attest Susanah Warren  
Joseph. S. Owens  
Henry Langherly 

I assign the within Bond  
to W.A. Owens  
Dec 13<sup>th</sup> 1888

Henry Langherly received forty dollars  
John Owens on May the 22<sup>nd</sup> 1874



# Virginia

In the clerk's office of the circuit court for  
Lee County, during vacation, on Friday the  
29<sup>th</sup> day of January 1886.

John B. Owens for &c Complainant

vs  
Reese L. Flannery Adm<sup>r</sup> de bonis oron<sup>t</sup>

of the Estate of Henry Daugherty dec<sup>d</sup> & Defts

In  
Chancery

The object of this suit, is to have  
specifically performed a contract for  
the sale of land on the South side  
of Newmans Ridge in Lee Co. Va  
and have the legal title of the  
said land conveyed to the Plff.

And it appearing from an affidavit  
filed in this cause that the defendants  
James Daugherty, Nathaniel Daugherty, Mrs  
Daugherty, Susan Warren, George W. M. Ferguson  
and Lucy Ferguson his wife, Emmett Daugherty,  
Jasper Burchett, Abigail Burchett, Mary  
Burchett, James Burchett, George Burchett  
Nathaniel Burchett — Keller and

Lucy Keller his wife formerly Lucy  
Burchett: — It is therefore ordered  
that they appear here within one  
month after due publication of this  
order & do what may be necessary to  
protect their interest in this suit. J. H. Hyatt



John B. Owens for to  
Order Pub  
vs 3

Reese D. Flannery

I certify that I  
mailed to the  
Scott Banner  
a copy of this order  
for Pub. Jan'y 29 1886  
and posted a like  
copy at the front  
door of Lee. C. St.  
on the 1st day of  
February county  
Court 1886.

J. A. Hyatt cc

order fees	96
Postage	06
affi	25
	1.27



# THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You

To Summon Reese O. H. Adams, Adm'r. Henry Daugherty, and James Daugherty, Nathaniel Daugherty, William Daugherty, William Pennington & Barbara Pennington his wife, Frances M. Phillips, Rhoda Phillips his wife, Susan M. Wren, George W. W. Ferguson, & Lucy Ferguson his wife, Emmett Daugherty, Isabel Burchett, Heigal Burchett, Mary Burchett, James Burchett, George Burchett, Nathaniel Burchett — Bellit and Lucy Keller his wife

To appear before the Judge of our Circuit Court of Lee County, at the Courthouse on the first day of

in February next being Rule day to answer a Term next to testify and the truth to speak in behalf of

Bill in Chancery exhibited in our said Court in certain matters of controversy pending in our said Court between

against them By John B. Owens who sues for the benefit of W. A. Owens

PLAINTIFF and

DEFENDANT. And this shall in no wise omit under the

penalty of Twenty Dollars. And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This 29 day of January 1886, in the 10 year of the Commonwealth.

J. A. G. Hyatt Clerk.



D

John B. Owens for & Co

us } Spain Chcy

Reese D. Flanagan, Ametal

To February Rules 1886.

Executed by delivering  
office copies of this  
Spa to F. M. Phillips  
& wife & to R. D. Flanagan  
C. C. Flanagan & family  
for R. D. Flanagan & C. C.

Further executed by  
delivering office copies  
of this Spa to the wife  
of Wm. Pennington one for  
her & one for her husband  
& by preaching & explaining  
the same to her she having  
never 21 years & he not being  
at his usual place of  
abode Jan'y 29<sup>th</sup> 1886.

R. D. Flanagan S. L. L.

\$ fees - 1.00 + 1.50 = \$2.50





**W**E, THE BANNER COMPANY, HEREBY CERTIFY THAT THE APPEND-  
ed Advertisement has been published for Four successive weeks in the Scott  
Banner, a weekly newspaper published in the town of Estillville, Scott County, Vir-  
ginia. GIVEN under our hands, this *Twenty-fourth* day of  
*March*, 188*6*,

*Banner Co*

NON RESIDENTS' NOTICE.

VIRGINIA:—IN THE CLERK'S OF-  
fice of the Circuit Court for Lee coun-  
ty, during vacation, on Friday the 29th  
day of January, 1886:

John B. Owens, for &c. Compt,

vs

Reese D. Flanary, Admr. de  
bonis non of the estate of  
Henry Dougherty, dec-  
eased, et als., Defendants,

In Chan'y

The object of this suit is to have specifi-  
cally performed a contract for the sale of  
land on the south side of Newmans Ridge,  
in Lee county, Va., and have the legal  
title of the land in the bill mentioned con-  
veyed to the Plaintiff.

And it appearing from an affidavit filed  
in this cause that the Defendants, James  
Dougherty, Nathaniel Dougherty, Wm.  
Dougherty, Susan Warren, George W. M.  
Ferguson, and Lucy Ferguson his wife,  
Emmett Dougherty, Jasper Burchett, Geo  
Burchett, Abigail Burchett, Mary Burchett,  
James Burchett, Nathaniel Burchett, —  
Keller and Lucy Keller, his wife, formerly  
Lucy Burchett, are non-residents of  
this State it is therefore ordered  
that they appear here within one month  
after due publication of this order and do  
what may be necessary to protect their  
interests in this suit.

A Copy—Teste:

J. A. G. HYATT, C. C.

A. L. FRIDEMORE, P. Q.



John B. Owens

vs } Pub. Certif

William Daugherty